1997 Regular Session

7lr2482 J2 By: Delegate Schisler Introduced and read first time: January 31, 1997 Assigned to: Environmental Matters Committee Report: Favorable with amendments House action: Adopted Read second time: March 21, 1997 CHAPTER ____ 1 AN ACT concerning 2 **Health Occupations - Medical Review Committees** 3 FOR the purpose of altering the discoverability and admissibility of the proceedings, records, and files of a medical review committee; providing for the immediate 4 5 appealability of certain discovery orders concerning the proceedings, records, and 6 files of a medical review committee and the staying of those orders pending appeal; altering the definition of a certain term; and generally relating to medical review 7 8 committees. 9 BY repealing and reenacting, with amendments, 10 Article - Health Occupations 11 Section 14-501 12 Annotated Code of Maryland 13 (1994 Replacement Volume and 1996 Supplement) 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 15 MARYLAND, That the Laws of Maryland read as follows:

(a) (1) In this section the following words have the meanings indicated.

(ii) "Alternative health care system" includes:

(2) (i) "Alternative health care system" means a system of health care

1. A health maintenance organization;

Article - Health Occupations

20 delivery other than a hospital or related institution.

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1	2. A preferred provider organization;
2	3. An independent practice association; [or]
	4. A community health center that is a nonprofit, freestanding ambulatory health care provider governed by a voluntary board of directors and that provides primary health care services to the medically indigent[.]; OR
6 7	5. ANY OTHER HEALTH CARE DELIVERY SYSTEM THAT UTILIZES A MEDICAL REVIEW COMMITTEE.
8	(3) "Medical review committee" means a committee or board that:
9 10	(i) Is within one of the categories described in subsection (b) of this section; and
11 12	(ii) Performs any of the functions listed in subsection (c) of this section.
13 14	$\hbox{(4) (i) "Provider of health care" means any person who is licensed by law to provide health care to individuals.}$
17	(ii) "Provider of health care" does not include any nursing institution that is conducted by and for those who rely on treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.
19 20	(5) "The Maryland Institute for Emergency Medical Services Systems" means the State agency described in § 13-1D-03 of the Education Article.
21	(b) For purposes of this section, a medical review committee is:
22 23	(1) A regulatory board or agency established by State or federal law to license, certify, or discipline any provider of health care;
	(2) A committee of the Faculty or any of its component societies or a committee of any other professional society or association composed of providers of health care;
27 28	(3) A committee appointed by or established in a local health department for review purposes;
29 30	(4) A committee appointed by or established in the Maryland Institute for Emergency Medical Services Systems;
33 34 35	(5) A committee of the medical staff or other committee, including any risk management, credentialing, or utilization review committee established in accordance with § 19-319 of the Health - General Article, of a hospital, related institution, or alternative health care system, if the governing board of the hospital, related institution, or alternative health care system forms and approves the committee or approves the written bylaws under which the committee operates;

	(6) Any person, including a professional standard review organization, who ontracts with an agency of this State or of the federal government to perform any of the unctions listed in subsection (c) of this section;
	(7) Any person who contracts with a provider of health care to perform any f those functions listed in subsection (c) of this section that are limited to the review of ervices provided by the provider of health care;
	(8) An organization, established by the Maryland Hospital Association, Inc. nd the Faculty, that contracts with a hospital, related institution, or alternative delivery system to:
10 11 s	(i) Assist in performing the functions listed in subsection (c) of this section; or
12 13 I	(ii) Assist a hospital in meeting the requirements of § 19-319(e) of the Health - General Article;
14 15 c	(9) A committee appointed by or established in an accredited health occupations school; or
16 17 o	(10) An organization described under § 14-501.1 of this subtitle that contracts with a hospital, related institution, or health maintenance organization to:
18 19 s	(i) Assist in performing the functions listed in subsection (c) of this section; or
22 ((ii) Assist a health maintenance organization in meeting the requirements of Title 19, Subtitle 7 of the Health - General Article, the National Committee for Quality Assurance (NCQA), or any other applicable credentialing law or regulation.
24	(c) For purposes of this section, a medical review committee:
25 26 µ	(1) Evaluates and seeks to improve the quality of health care provided by providers of health care;
27 28 µ	(2) Evaluates the need for and the level of performance of health care provided by providers of health care;
29 30 d	(3) Evaluates the qualifications, competence, and performance of providers of health care; or
31 32 µ	(4) Evaluates and acts on matters that relate to the discipline of any provider of health care.
35 e	(d) (1) Except as otherwise provided in this section, the proceedings, records, and files of a medical review committee are not discoverable and are not admissible in evidence in any civil action [arising out of matters that are being reviewed and evaluated by the medical review committee].
37 38 d	(2) The proceedings, records, and files of a medical review committee are confidential and are not discoverable and are not admissible in evidence in any civil

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	action arising out of matters that are being reviewed and evaluated by the medical review committee if requested by the following:
3	(i) The Department of Health and Mental Hygiene to ensure compliance with the provisions of § 19-319 of the Health - General Article;
	(ii) A health maintenance organization to ensure compliance with the provisions of Title 19, Subtitle 7 of the Health - General Article and applicable regulations; or
8 9	(iii) A health maintenance organization to ensure compliance with the National Committee for Quality Assurance (NCQA) credentialing requirements.
10	(e) Subsection (d)(1) of this section does not apply to:
	(1) A civil action brought by a party to the proceedings of the medical review committee who claims to be aggrieved by the decision of the medical review committee; or
	(2) Any record or document that is considered by the medical review committee and that otherwise would be subject to discovery and introduction into evidence in a civil trial.
19	(f) A person shall have the immunity from liability described under § 5-393 of the Courts and Judicial Proceedings Article for any action as a member of the medical review committee or for giving information to, participating in, or contributing to the function of the medical review committee.
	(G) AN ORDER GRANTING DISCOVERY OF PROCEEDINGS, RECORDS, OR FILES OF A MEDICAL REVIEW COMMITTEE SHALL BE IMMEDIATELY APPEALABLE AND SHALL BE STAYED PENDING APPEAL.
24	$\{(g)\}$ (H) Notwithstanding this section, §§ 14-410 and 14-412 of this title apply to:
25	(1) The Board; and
26 27	(2) Any other entity, to the extent that it is acting in an investigatory capacity for the Board.
28 29	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1997.